

JUN - 7 2005

FILED  
CLERK'S OFFICE.**DOCKET NO. 1456****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

*The County of Fulton v. Abbott Laboratories, Inc., et al.*, N.D. New York,  
C.A. No. 6:05-519

*The County of Putnam v. Abbott Laboratories, Inc., et al.*, S.D. New York,  
C.A. No. 1:05-4740

*The County of Genesee v. Abbott Laboratories, Inc., et al.*, W.D. New York,  
C.A. No. 1:05-6206

*County of Steuben v. Abbott Laboratories, Inc., et al.*, W.D. New York,  
C.A. No. 6:05-6223

**CONDITIONAL TRANSFER ORDER (CTO-22)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 54 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

JUN 23 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. BeckMichael J. Beck  
Clerk of the Panel

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.4] (Utica)**  
**CIVIL DOCKET FOR CASE #: 6:05-cv-00519-DNH-DEP**

The County of Fulton v. Abbott Laboratories, Inc. et al  
Assigned to: Judge David N. Hurd  
Referred to: Magistrate Judge David E. Peebles  
Related Case: [5:05-cv-00088-FJS-GHL](#)  
Cause: 28:1331 Fed. Question: Breach of Contract

Date Filed: 04/29/2005  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Fulton County**

represented by **Aaron D. Hovan**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**County of Fulton**

represented by **Aaron D. Hovan**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

Abbott Laboratories, Inc.

**Defendant**

Agouron Pharmaceuticals, Inc.

**Defendant**

Alcon Laboratories, Inc.

**Defendant**

Allergan, Inc.

**Defendant**

Alpharma, Inc.

**Defendant**

Amgen, Inc.

**Defendant**

Andrx Corp.

**Defendant**

Astrazeneca Pharmaceuticals L.P.

**Defendant**

Aventis Pharmaceuticals, Inc.

**Defendant**

Barr Laboratories, Inc.

**Defendant**

Bayer Corp.

**Defendant**

Ben Venue Laboratories, Inc.

**Defendant**

Berlex Laboratories, Inc.

**Defendant**

Biogen Idec, Inc.

**Defendant**

Biovail Pharmaceuticals, Inc.

**Defendant****Boehringer Ingelheim Corp.****Defendant****Boehringer Ingelheim Pharmaceuticals,  
Inc.****Defendant****Bristol-Meyers Squibb Company****Defendant****Dermik Laboratories, Inc.****Defendant****Dey, Inc.****Defendant****Eisai, Inc.****Defendant****Eli Lilly and Company****Defendant****Endo Pharmaceuticals, Inc.****Defendant****Ethex Corp.****Defendant****Forest Laboratories, Inc.****Defendant****Forest Pharmaceuticals, Inc.****Defendant****Fujisawa Healthcare, Inc.****Defendant****Fujisawa USA, Inc.****Defendant****Genentech, Inc.****Defendant****Genzyme Corp.****Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**Greenstone, Ltd.**

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**King Pharmaceuticals**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**Medimmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Monarch Pharmaceuticals, Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals, Inc.**

**Defendant**

**Novartis Pharmaceuticals Corp.**

**Defendant**

**Novo Nordisk Pharmaceuticals, Inc.**

**Defendant**

**Oncology Therapeutics Network Corp.**

**Defendant**

**Organon Pharmaceuticals USA, Inc.**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil Pharmaceutical, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Pfizer, Inc.**

**Defendant**

**Pharmacia Corp.**

**Defendant**

**Purdue Pharma, L.P.**

**Defendant**

**Purepac Pharmaceutical Co.**

**Defendant**

**Reliant Pharmaceuticals**

**Defendant**

**Roche Laboratories, Inc.**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant****Schering Corp.****Defendant****Schering-Plough Corp.****Defendant****Smithklinebeeckham Corp.***doing business as*  
Glaxosmithkline**Defendant****Takeda Pharmaceuticals North  
America, Inc.****Defendant****Tap Pharmaceutical Products, Inc.****Defendant****Teva Pharmaceutical USA, Inc.****Defendant****UCB Pharma, Inc.****Defendant****UDL Laboratories, Inc.****Defendant****Warrick Pharmaceuticals Corp.****Defendant****Watson Pharma, Inc.****Defendant****Watson Pharmaceuticals, Inc.****Defendant****Wyeth**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/28/2005	<a href="#"><u>1</u></a>	COMPLAINT against Alcon Laboratories, Inc., Allergan, Inc., Alparma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim

	<p>Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson &amp; Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck &amp; Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Smithklinebeechem Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc. ( Filing fee \$ 250 receipt number ALB000756) filed by The County of Fulton. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Memorandum of Law B# <u>3</u> Exhibit(s) C# <u>4</u> Exhibit(s) D# <u>5</u> Exhibit(s) E)(ban) (Entered: 04/29/2005)</p>
04/28/2005	<p>Summons Issued as to Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson &amp; Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck &amp; Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Smithklinebeechem Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc.. (ban) (Entered: 04/29/2005)</p>



04/28/2005	<a href="#"><u>2</u></a>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 9/1/2005 09:30 AM in Syracuse before Magistrate Judge David E. Peebles. Civil Case Management Plan due by 8/22/2005. (ban) (Entered: 04/29/2005)
05/13/2005	<a href="#"><u>3</u></a>	Letter from Aaron Hovan, outside counsel requesting Adjournment of Deadlines <i>for the County of Fulton</i> . (Hovan, Aaron) (Entered: 05/13/2005)
05/19/2005		NOTICE sent to counsel by CRD for Judge Peebles. Due to the letter submitted to the court on 5/13/05 from Aaron Hovan, Esq., the Rule 16 Conference scheduled before Judge Peebles on 9/1/05 at 9:30 am in Syracuse has been ADJOURNED WITHOUT DATE. This case will be tracked until September for status. (sal, ) (Entered: 05/19/2005)

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